

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 1 be amended to read as follows:

- 1 Page 63, between lines 17 and 18, begin a new paragraph and insert:
- 2 "SECTION 36. IC 6-1.1-25-2, AS AMENDED BY P.L.170-2003,
- 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2004]: Sec. 2. (a) The total amount of money required for
- 5 the redemption of real property equals:
- 6 (1) the sum of the amounts prescribed in subsections (b) through
- 7 (e); or
- 8 (2) the amount prescribed in subsection (f);
- 9 reduced by any amounts held in the name of the taxpayer or the
- 10 purchaser in the tax sale surplus fund.
- 11 (b) Except as provided in subsection (f), the total amount required
- 12 for redemption includes:
- 13 (1) one hundred ten percent (110%) of the minimum bid for
- 14 which the tract or real property was offered at the time of sale, as
- 15 required by IC 6-1.1-24-5, if the tract or item of real property is
- 16 redeemed not more than six (6) months after the date of sale; or
- 17 (2) one hundred fifteen percent (115%) of the minimum bid for
- 18 which the tract or real property was offered at the time of sale, as
- 19 required by IC 6-1.1-24-5, if:
- 20 (A) the tract or item of real property **other than a dwelling**
- 21 **(as defined in IC 6-1.1-20.9-1) and the land on which the**
- 22 **dwelling is located** is redeemed more than six (6) months but
- 23 not more than one (1) year after the date of sale; **or**
- 24 (B) **the tract or item of real property consisting of a**
- 25 **dwelling (as defined in IC 6-1.1-20.9-1) and the land on**
- 26 **which the dwelling is located is redeemed more than six**
- 27 **(6) months but not more than two (2) years after the date**
- 28 **of sale.**
- 29 (c) Except as provided in subsection (f), in addition to the amount
- 30 required under subsection (b), the total amount required for redemption

includes the amount by which the purchase price exceeds the minimum bid on the real property plus ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid on the property.

(d) Except as provided in subsection (f), in addition to the amount required under subsections (b) and (c), the total amount required for redemption includes all taxes and special assessments upon the property paid by the purchaser after the sale plus ten percent (10%) interest per annum on those taxes and special assessments.

(e) Except as provided in subsection (f), in addition to the amounts required under subsections (b), (c), and (d), the total amount required for redemption includes the following costs, if certified before redemption by the payor to the county auditor on a form prescribed by the state board of accounts, that were incurred and paid by the purchaser, the purchaser's assignee, or the county, before redemption:

(1) The attorney's fees and costs of giving notice under section 4.5 of this chapter.

(2) The costs of a title search or of examining and updating the abstract of title for the tract or item of real property.

(f) With respect to a tract or item of real property redeemed under section 4(c) of this chapter, instead of the amounts stated in subsections (b) through (e), the total amount required for redemption is the amount determined under IC 6-1.1-24-6.1(b)(4).

SECTION 37. IC 6-1.1-25-4, AS AMENDED BY P.L.170-2003, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 4. (a) The period for redemption of real property sold under IC 6-1.1-24 is:

(1) one (1) year after the date of sale **with respect to real property other than a dwelling (as defined in IC 6-1.1-20.9-1) and the land on which the dwelling is located, and two (2) years after the date of sale with respect to a dwelling (as defined in IC 6-1.1-20.9-1) and the land on which the dwelling is located;**

(2) one hundred twenty (120) days after the date of sale to a purchasing agency qualified under IC 36-7-17;

(3) one hundred twenty (120) days after the date of sale of real property on the list prepared under IC 6-1.1-24-1.5; or

(4) one hundred twenty (120) days after the date of sale under IC 6-1.1-24-5.5(b).

(b) The period for redemption of real property:

(1) on which the county acquires a lien under IC 6-1.1-24-6; and

(2) for which the certificate of sale is not sold under IC 6-1.1-24-6.1;

is one hundred twenty (120) days after the date the county acquires the lien under IC 6-1.1-24-6.

(c) The period for redemption of real property:

(1) on which the county acquires a lien under IC 6-1.1-24-6; and
 (2) for which the certificate of sale is sold under IC 6-1.1-24;
 is one hundred twenty (120) days after the date of sale of the certificate
 of sale under IC 6-1.1-24.

(d) When a deed for real property is executed under this chapter, the
 county auditor shall cancel the certificate of sale and file the canceled
 certificate in the office of the county auditor. If real property that
 appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale
 and an amount that is at least equal to the minimum sale price required
 under IC 6-1.1-24-5(e) is not received, the county auditor shall issue a
 deed to the real property in the manner provided in IC 6-1.1-24-6.5.

(e) When a deed is issued to a county under this chapter, the taxes
 and special assessments for which the real property was offered for
 sale, and all subsequent taxes, special assessments, interest, penalties,
 and cost of sale shall be removed from the tax duplicate in the same
 manner that taxes are removed by certificate of error.

(f) A tax deed executed under this chapter vests in the grantee an
 estate in fee simple absolute, free and clear of all liens and
 encumbrances created or suffered before or after the tax sale except
 those liens granted priority under federal law and the lien of the state or
 a political subdivision for taxes and special assessments which accrue
 subsequent to the sale and which are not removed under subsection (e).
 However, the estate is subject to:

- (1) all easements, covenants, declarations, and other deed
 restrictions shown by public records;
- (2) laws, ordinances, and regulations concerning governmental
 police powers, including zoning, building, land use, improvements
 on the land, land division, and environmental protection; and
- (3) liens and encumbrances created or suffered by the grantee.

(g) A tax deed executed under this chapter is prima facie evidence
 of:

- (1) the regularity of the sale of the real property described in the
 deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(h) A county auditor is not required to execute a deed to the county
 under this chapter if the county executive determines that the property
 involved contains hazardous waste or another environmental hazard for
 which the cost of abatement or alleviation will exceed the fair market
 value of the property. The county may enter the property to conduct
 environmental investigations.

(i) If the county executive makes the determination under subsection
 (h) as to any interest in an oil or gas lease or separate mineral rights, the
 county treasurer shall certify all delinquent taxes, interest, penalties, and
 costs assessed under IC 6-1.1-24 to the clerk, following the procedures
 in IC 6-1.1-23-9. After the date of the county treasurer's certification,
 the certified amount is subject to collection as delinquent personal

property taxes under IC 6-1.1-23. Notwithstanding IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an interest shall be zero (0) until production commences.

(j) When a deed is issued to a purchaser of a certificate of sale sold under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that taxes are removed by certificate of error, remove from the tax duplicate the taxes, special assessments, interest, penalties, and costs remaining due as the difference between the amount of the last minimum bid under IC 6-1.1-24-5(e) and the amount paid for the certificate of sale.

SECTION 38. IC 6-1.1-25-4.5, AS AMENDED BY P.L.170-2003, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 4.5. (a) Except as provided in subsection (d), a purchaser or the purchaser's assignee is entitled to a tax deed to the property that was sold only if:

- (1) the redemption period specified in section 4(a)(1) of this chapter has expired;
- (2) the property has not been redeemed within the period of redemption specified in section 4(a) of this chapter; and
- (3) not later than nine (9) months **with respect to real property other than a dwelling (as defined in IC 6-1.1-20.9-1) and the land on which the dwelling is located, or twenty-one (21) months with respect to a dwelling (as defined in IC 6-1.1-20.9-1) and the land on which the dwelling is located,** after the date of the sale:

(A) the purchaser or the purchaser's assignee; or

(B) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor;

gives notice of the sale to the owner of record at the time of the sale and any person with a substantial property interest of public record in the tract or real property.

(b) A county is entitled to a tax deed to property on which the county acquires a lien under IC 6-1.1-24-6 and for which the certificate of sale is not sold under IC 6-1.1-24-6.1 only if:

- (1) the redemption period specified in section 4(b) of this chapter has expired;
- (2) the property has not been redeemed within the period of redemption specified in section 4(b) of this chapter; and
- (3) not later than ninety (90) days after the date the county acquires the lien under IC 6-1.1-24-6, the county auditor gives notice of the sale to:

(A) the owner of record at the time the lien was acquired; and

(B) any person with a substantial property interest of public record in the tract or real property.

(c) A purchaser of a certificate of sale under IC 6-1.1-24-6.1 is entitled to a tax deed to the property for which the certificate was sold

- 1 only if:
- 2 (1) the redemption period specified in section 4(c) of this chapter
- 3 has expired;
- 4 (2) the property has not been redeemed within the period of
- 5 redemption specified in section 4(c) of this chapter; and
- 6 (3) not later than ninety (90) days after the date of sale of the
- 7 certificate of sale under IC 6-1.1-24, the purchaser gives notice of
- 8 the sale to:
- 9 (A) the owner of record at the time of the sale; and
- 10 (B) any person with a substantial property interest of public
- 11 record in the tract or real property.
- 12 (d) A purchaser or the purchaser's assignee is entitled to a tax deed
- 13 to the property that was sold under IC 6-1.1-24-5.5(b) only if:
- 14 (1) the redemption period specified in section 4(a)(4) of this
- 15 chapter has expired;
- 16 (2) the property has not been redeemed within the period of
- 17 redemption specified in section 4(a)(4) of this chapter; and
- 18 (3) not later than ninety (90) days after the date of the sale, the
- 19 purchaser or the purchaser's assignee gives notice of the sale to:
- 20 (A) the owner of record at the time of the sale; and
- 21 (B) any person with a substantial property interest of public
- 22 record in the tract or real property.
- 23 (e) The person required to give the notice under subsection (a), (b),
- 24 or (c) shall give the notice by sending a copy of the notice by certified
- 25 mail to:
- 26 (1) the owner of record at the time of the:
- 27 (A) sale of the property;
- 28 (B) acquisition of the lien on the property under IC 6-1.1-24-6;
- 29 or
- 30 (C) sale of the certificate of sale on the property under
- 31 IC 6-1.1-24;
- 32 at the last address of the owner for the property, as indicated in
- 33 the records of the county auditor; and
- 34 (2) any person with a substantial property interest of public record
- 35 at the address for the person included in the public record that
- 36 indicates the interest.
- 37 However, if the address of the person with a substantial property
- 38 interest of public record is not indicated in the public record that created
- 39 the interest and cannot be located by ordinary means by the person
- 40 required to give the notice under subsection (a), (b), or (c), the person
- 41 may give notice by publication in accordance with IC 5-3-1-4 once
- 42 each week for three (3) consecutive weeks.
- 43 (f) The notice that this section requires shall contain at least the
- 44 following:
- 45 (1) A statement that a petition for a tax deed will be filed on or
- 46 after a specified date.
- 47 (2) The date on or after which the petitioner intends to petition for

1 a tax deed to be issued.

2 (3) A description of the tract or real property shown on the
3 certificate of sale.

4 (4) The date the tract or real property was sold at a tax sale.

5 (5) The name of the:

6 (A) purchaser or purchaser's assignee;

7 (B) county that acquired the lien on the property under
8 IC 6-1.1-24-6; or

9 (C) person that purchased the certificate of sale on the
10 property under IC 6-1.1-24.

11 (6) A statement that any person may redeem the tract or real
12 property.

13 (7) The components of the amount required to redeem the tract or
14 real property.

15 (8) A statement that an entity identified in subdivision (5) is
16 entitled to reimbursement for additional taxes or special
17 assessments on the tract or real property that were paid by the
18 entity subsequent to the tax sale, lien acquisition, or purchase of
19 the certificate of sale, and before redemption, plus interest.

20 (9) A statement that the tract or real property has not been
21 redeemed.

22 (10) A statement that an entity identified in subdivision (5) is
23 entitled to receive a deed for the tract or real property if it is not
24 redeemed before the expiration of the period of redemption
25 specified in section 4 of this chapter.

26 (11) A statement that an entity identified in subdivision (5) is
27 entitled to reimbursement for costs described in section 2(e) of
28 this chapter.

29 (12) The date of expiration of the period of redemption specified
30 in section 4 of this chapter.

31 (13) A statement that if the property is not redeemed, the owner
32 of record at the time the tax deed is issued may have a right to the
33 tax sale surplus, if any.

34 (14) The street address, if any, or a common description of the
35 tract or real property.

36 (15) The key number or parcel number of the tract or real
37 property.

38 (g) The notice under this section must include not more than one (1)
39 tract or item of real property listed and sold in one (1) description.
40 However, when more than one (1) tract or item of real property is
41 owned by one (1) person, all of the tracts or real property that are
42 owned by that person may be included in one (1) notice.

43 (h) A single notice under this section may be used to notify joint
44 owners of record at the last address of the joint owners for the property
45 sold, as indicated in the records of the county auditor.

46 (i) The notice required by this section is considered sufficient if the
47 notice is mailed to the address required under subsection (e).

1 (j) The notice under this section and the notice under section 4.6 of
2 this chapter are not required for persons in possession not shown in the
3 public records.

4 (k) If the purchaser fails to:

5 (1) comply with subsection (c)(3); or

6 (2) petition for the issuance of a tax deed within the time permitted
7 under section 4.6(a) of this chapter;

8 the certificate of sale reverts to the county and may be retained by the
9 county or sold under IC 6-1.1-24-6.1."

10 Page 103, between lines 35 and 36, begin a new paragraph and
11 insert:

12 "SECTION 75.[EFFECTIVE JANUARY 1, 2004] **IC 6-1.1-25-2,**
13 **IC 6-1.1-25-4, and IC 6-1.1-25-4.5, all as amended by this act,**
14 **apply only to tax sales after December 31, 2003.**"

15 Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed November 21, 2003.)

Senator YOUNG R MICHAEL